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November 11, 2009

David Saliwanchik

David R. Saliwanchik , Patent Attorney

APPLICATION FOR PATENT TERM
ADJUSTMENT UNDER 37 CFR §1.705(b)
Patent Application
Docket No. GJE.7697

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Christopher R. Stone
Art Unit : 1614
Applicants : Andrew D. Baxter and Andrea Walmsley
Serial No. : 10/591,157
Filed : August 30, 2006
For : Ester Derivatives of Rhein and Their Therapeutic Use

Mail Stop Patent Ext.
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705(b)

Sir:

The applicants received a Notice of Allowance in the above-referenced patent application. Included with the Notice of Allowance was a "Determination of Patent Term Adjustment under 35 U.S.C. 154(b)" indicating that the subject application was entitled to 300 days of Patent Term Adjustment (PTA). The applicants respectfully assert that the subject application is entitled to 336 days of Patent Term Adjustment, for the following reasons:

The subject application was filed as a national stage application pursuant to 35 U.S.C. §371 on August 30, 2006. The applicants fulfilled the requirements of 35 U.S.C. §371 on October 6, 2006. A review of the PAIR record shows that the Patent Office apparently calculated the "B-delay" in the application based upon the October 6, 2006 date. However, a review of the relevant statutes and regulations shows that the actual date to be used with regard to the calculation of B-delay time-limits is the date on which national filing "commenced" pursuant to 35 U.S.C §§371(b) and (f). For the subject application, the date on which national filing "commenced" was August 30, 2006.

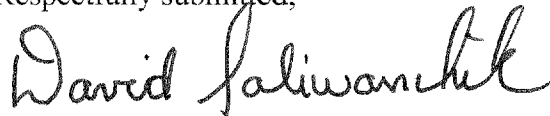
Based upon the filing date of August 30, 2006, the applicants should have received a first action in this application, pursuant to 35 U.S.C. 154(b)(1)(1), no later than October 30, 2007. However, the first Office Action in this application was not mailed until September 30, 2008. This constituted a 335 day Patent Office delay. A review of the PAIR record shows that the Patent Office delay was determined to be only 299 days.

Further, the Notice of Allowance in this application was mailed on August 11, 2009, which constituted a further 1 day of Patent Office delay. This is properly indicated in the PAIR record. There was no applicant delay in this application.

The applicants respectfully submit that they are entitled to 336 days of total Patent Term Adjustment (335 days of Patent Office delay + 1 further day of Patent Office delay). Therefore, the applicants respectfully request that the record of this application be reviewed and corrected to ensure that the granted patent indicates the correct Patent Term Adjustment.

Please charge the fee of \$200 for this Application for Patent Term Adjustment to Deposit Account No. 19-0065. Any additional fees as required by 37 CFR §§1.16 or 1.17 should be charged to Deposit Account No. 19-0065.

Respectfully submitted,



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